

United States District Court
Southern District of Texas
Holding Session in Corpus Christi

United States of America

v.

FILIBERTO ENRIQUE BARRIENTOS, JR.

CASE NUMBER: **2:99CR00305-001**

USM NUMBER: 89088-079

Date of Previous Judgment: 05/11/2000
(Use Date of Last Amended Judgment if Applicable)

Jose Gonzalez-Falla, AFPD
Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 135 months **is reduced to** time served.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33

Amended Offense Level: 31

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 135 to 168 months

Amended Guideline Range: 108 to 135 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

☐ See Additional Comments Continued Sheet

Except as provided above, all provisions of the judgment dated May 11, 2000 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 4, 2008


Signature of Judge

JANIS GRAHAM JACK

UNITED STATES DISTRICT JUDGE

Name and Title of Judge

Effective Date: _____
(if different from order date)

MJ | CAV/rm